

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FREDERICK LAMAR DIXON,

Petitioner,

No. 11-CV-10816

vs.

Hon. Gerald E. Rosen

JOE BARRETT,

Respondent.

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AND
DISMISSING PETITIONER'S HABEAS CORPUS ACTION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on May 21, 2013

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter having come before the Court on the November 21, 2012 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court deny Petitioner's petition for a writ of habeas corpus and decline to issue a certificate of appealability; and Petitioner having timely filed Objections; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Petitioner's Objections, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Petitioner's petition for habeas corpus relief should be denied; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's

Report and Recommendation of November 21, 2012 [**Dkt. # 40**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Petitioner's petition for habeas corpus relief **Dkt. # 1]** be, and hereby is DENIED and the above-captioned case, therefore, is DISMISSED.

IT IS FURTHER ORDERED that, for the reasons stated in the Report and Recommendation, the Court concludes that Petitioner has not made a substantial showing of the denial of a constitutional right. Accordingly, the Court declines to issue a certificate of appealability.

IT IS FURTHER ORDERED that leave to proceed on appeal *in forma pauperis* will be denied.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: May 21, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 21, 2013, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135